

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, MARCH 29, 2011

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JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 29, 2011

The Senate met in regular session at 9:07 a.m., President Kibbie presiding.

Prayer was offered by Reverend Stephen Bibb and Reverend Linda Hansen Bibb, pastors of the 1st United Methodist Church in Fort Dodge, Iowa, and Asbury United Methodist Church in Webster City, Iowa. They were the guests of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Monday, March 28, 2011, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 28, 2011, **passed** the following bills in which the concurrence of the Senate is asked:

House File 590, a bill for an act relating to the organization of the executive branch agencies responsible for administering economic development programs, making certain properly related changes, and including effective date and transition provisions.

Read first time and referred to committee on **Economic Growth/Rebuild Iowa**.

House File 596, a bill for an act exempting business entities located in small cities or adjacent to small cities, and formed by local development corporations, from certain security regulations.

Read first time and referred to committee on **Commerce**.

House File 607, a bill for an act establishing a parole procedure for certain persons serving a class “A” felony sentence, and including effective date provisions.

Read first time and referred to committee on **Judiciary**.

House File 616, a bill for an act making changes to the membership of the Iowa drug policy advisory council.

Read first time and referred to committee on **Judiciary**.

The Senate stood at ease at 9:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:35 a.m., President Kibbie presiding.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:36 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:45 p.m., President Kibbie presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointees on the En Bloc Confirmation Calendar:

Betty Grandquist, Commission on Aging

Melody Higgins, Board of Athletic Training
William Jacobson, Board of Athletic Training

Jeff Gitchel, Iowa Autism Council
Robin Sampson, Iowa Autism Council

Vickie Miene, Board of Behavioral Science
Sarah Thomas, Board of Behavioral Science
Sherill Whisenand, Board of Behavioral Science

Keith Taeger, Boiler and Pressure Vessel Board

Bruce Johnson, Child Advocacy Board

Randy Moore, Iowa State Civil Rights Commission
Mary Ann Spicer, Iowa State Civil Rights Commission

Charles Larson, Sr., Board of Corrections
Nancy Turner, Board of Corrections

Janet Pepper, Credit Union Review Board

Mary Ellen Kimball, Board of Trustees of the Iowa Cultural Trust

Joan Bruhn, Prevention of Disabilities Policy Council
Randy Horn, Prevention of Disabilities Policy Council

James Christensen, Early Childhood Iowa State Board

Judy Davidson, Engineering and Land Surveying Examining
Board

David Greenspon, Iowa Finance Authority

Vergene Donovan, Health Facilities Council
Robert Lundin, Health Facilities Council
William Thatcher, Health Facilities Council

Catherine Dangelser, Board of Hearing Aid Dispensers

Mark Anderson, Council on Human Services

Mark Peltan, Council on Human Services
Sally Stutsman, Council on Human Services

Catherine Huggins, Landscape Architectural Examining Board
Mark Ripplinger, Landscape Architectural Examining Board

Rebecca Jackson, Commission of Latino Affairs

Deborah Burnight, Iowa Lottery Authority Board of Directors

William (Bill) Cameron, Board of Massage Therapy

Lynn Grobe, Mental Health and Disability Services Commission
Zvia McCormick, Mental Health and Disability Services Commission
John Willey, Mental Health and Disability Services Commission

Michael Portz, Board of Optometry

Jon Ahrendsen, Board of Physician Assistants

Jim Cooper, Plumbing and Mechanical Systems Examining Board
Ronald Masters, Plumbing and Mechanical Systems Examining
Board

John Bennett, Board of Podiatry

Sarah Henderson, Board of Psychology

Robert Broomfield, Real Estate Commission
Michael Telford, Real Estate Commission

Mary Tyrrel, Board of Respiratory Care

Cindy Crawford, Board of Sign Language Interpreters and
Translitterators
Stephanie Lyons, Board of Sign Language Interpreters and
Translitterators

Charles McCullough, State Soil Conservation Committee

Christine Donner-Tiernan, Board of Speech Pathology and Audiology

Larry Spencer, Commission of Veterans Affairs

Kelli Madson, Iowa Board of Veterinary Medicine

Robert Gilmore, Iowa Workforce Development Board

Rita Grimm, Iowa Workforce Development Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

Anderson	Danielson	Hatch	Schoenjahn
Bacon	Dearden	Hogg	Seng
Bartz	Dix	Horn	Seymour
Beall	Dotzler	Houser	Smith
Behn	Dvorsky	Jochum	Sodders
Bertrand	Ernst	Johnson	Sorenson
Black	Feenstra	Kapucian	Ward
Boettger	Fraise	Kettering	Whitver
Bolkcom	Greiner	Kibbie	Wilhelm
Bowman	Gronstal	McKinley	Zaun
Chelgren	Hahn	Quirnbach	
Courtney	Hamerlinck	Ragan	
Dandekar	Hancock	Rielly	

Nays, none.

Absent, 1:

McCoy

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

Senate File 7

Senator Dearden called up for consideration **Senate File 7**, a bill for an act providing for a .08 blood alcohol limit for motorboat or

sailboat operating while intoxicated offenses, amended by the House in House amendment [S-3171](#), filed March 23, 2011.

Senator Dearden moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dearden moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 7](#)), the vote was:

Yeas, 41:

Bacon	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schoenjahn
Behn	Ernst	Houser	Seng
Black	Feenstra	Jochum	Seymour
Boettger	Fraise	Johnson	Smith
Bolkcom	Greiner	Kapucian	Ward
Bowman	Gronstal	Kibbie	Whitver
Courtney	Hahn	McCoy	Wilhelm
Dandekar	Hamerlinck	McKinley	
Danielson	Hancock	Quirmbach	
Dearden	Hatch	Ragan	

Nays, 9:

Anderson	Chelgren	Sodders
Bartz	Dix	Sorenson
Bertrand	Kettering	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 515, 514, and 513.

Senate File 515

On motion of Senator Dotzler, **Senate File 515**, a bill for an act relating to the administration of the streamlined sales tax agreement by the department of revenue, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 515), the vote was:

Yeas, 49:

Anderson	Danielson	Hogg	Schoenjahn
Bacon	Dearden	Horn	Seng
Bartz	Dix	Houser	Seymour
Beall	Dotzler	Jochum	Smith
Behn	Dvorsky	Johnson	Sodders
Bertrand	Ernst	Kapucian	Sorenson
Black	Feenstra	Kettering	Ward
Boettger	Fraise	Kibbie	Whitver
Bolkcom	Gronstal	McCoy	Wilhelm
Bowman	Hahn	McKinley	Zaun
Chelgren	Hamerlinck	Quirmbach	
Courtney	Hancock	Ragan	
Dandekar	Hatch	Rielly	

Nays, 1:

Greiner

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 514

On motion of Senator Dotzler, **Senate File 514**, a bill for an act relating to the administration of the redevelopment tax credit program for brownfields and grayfields and including retroactive applicability provisions, was taken up for consideration.

Senator Chelgren offered amendment S–3183, filed by him from the floor to pages 5 and 6 of the bill, and moved its adoption.

Amendment [S-3183](#) was adopted by a voice vote.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 514](#)), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 513

On motion of Senator Dotzler, [Senate File 513](#), a bill for an act relating to fees to fund programs to aid impaired pharmacists, pharmacist-interns, and pharmacy technicians, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 513](#)), the vote was:

Yeas, 38:

Anderson	Danielson	Hatch	Ragan
Bacon	Dearden	Hogg	Rielly
Bartz	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Houser	Seng

Black	Ernst	Jochum	Seymour
Boettger	Feenstra	Johnson	Sodders
Bolkcom	Fraise	Kapucian	Ward
Bowman	Gronstal	Kibbie	Wilhelm
Courtney	Hahn	McCoy	
Dandekar	Hancock	Quirnbach	

Nays, 12:

Behn	Dix	Kettering	Sorenson
Bertrand	Greiner	McKinley	Whitver
Chelgren	Hamerlinck	Smith	Zaun

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 7, 513, 514, and 515** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 321

Senator Houser called up for consideration **Senate File 321**, a bill for an act relating to wastewater discharges by on-farm processing operations, amended by the House in House amendment **S-3147**, filed March 22, 2011.

Senator Houser moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Houser moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 321), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirnbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

Senate File 233

Senator Wilhelm called up for consideration **Senate File 233**, a bill for an act relating to entitling mental health counselors to payment for behavioral health services provided under the Medicaid program, amended by the House in House amendment **S-3173**, filed March 24, 2011.

Senator Wilhelm moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Wilhelm moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 233), the vote was:

Yeas, 50:

Anderson	Danielson	Hatch	Rielly
Bacon	Dearden	Hogg	Schoenjahn
Bartz	Dix	Horn	Seng
Beall	Dotzler	Houser	Seymour
Behn	Dvorsky	Jochum	Smith
Bertrand	Ernst	Johnson	Sodders
Black	Feenstra	Kapucian	Sorenson
Boettger	Fraise	Kettering	Ward
Bolkcom	Greiner	Kibbie	Whitver
Bowman	Gronstal	McCoy	Wilhelm
Chelgren	Hahn	McKinley	Zaun
Courtney	Hamerlinck	Quirmbach	
Dandekar	Hancock	Ragan	

Nays, none.

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 233** and **321** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 252](#).

[Senate File 252](#)

On motion of Senator Courtney, [Senate File 252](#), a bill for an act relating to mobile homes and manufactured homes by making changes to certain residential landlord and tenant laws, requiring disclosures during the sale of manufactured and mobile homes, amending provisions relating to forcible entry and detainer actions, providing penalties, and including applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Courtney offered amendment [S-3158](#), filed by him on March 22, 2011, to pages 1, 2, and 5–7 of the bill, and moved its adoption.

Amendment [S-3158](#) was adopted by a voice vote.

([Senate File 252](#) was deferred.)

The Senate stood at ease at 2:28 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:50 p.m., President Kibbie presiding.

The Senate resumed consideration of [Senate File 252](#), previously deferred.

Senator Kettering asked and received unanimous consent that action on [Senate File 252](#) be **deferred**.

RECESS

On motion of Senator Courtney, the Senate recessed at 2:51 p.m. until 4:00 p.m.

RECONVENED

The Senate reconvened at 4:17 p.m., President Kibbie presiding.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:18 p.m. until 9:00 a.m., Wednesday, March 30, 2011.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Haley Bartelt, Muscatine—For being named to the National Interscholastic Swimming Coaches Academic All-American team. Senator Hahn (3/29/11).

Joseph C. Bierl, Davenport—For achieving the rank of Eagle Scout, Troop 43. Senator Seng (3/29/11).

Eddie Bruns, Muscatine—For being named to the Boys All-American Swim Team. Senator Hahn (3/29/11).

Haden Calegan, Muscatine—For receiving All-American status for the 200 meter individual medley team. Senator Hahn (3/29/11).

Tyler Calegan, Muscatine—For receiving All-American status for the 200 meter medley and being named to the Iowa State High School Swimming Coaches Association All-State Academic team. Senator Hahn (3/29/11).

Hannah Eichelberger, Muscatine—For being named to the National Interscholastic Swimming Coaches Academic All-American team. Senator Hahn (3/29/11).

Travis Greenwald, Muscatine—For receiving All-American status for the 200 meter individual medley team in swimming. Senator Hahn (3/29/11).

Bob and Joan Head, Maquoketa—For celebrating their 50th wedding anniversary. Senator Bowman (3/29/11).

C. Bernece Hersom, Emmetsburg—For celebrating her 100th birthday. Senator Kibbie (3/29/11).

Paul Jindrich, Muscatine—For being named to the Boys All-American Swim team and the Iowa State High School Swim Coaches Association All-State Academic team. Senator Hahn (3/29/11).

Joelle McConnaha, Muscatine—For being named 2011 Iowa Elementary Principal of the Year and National Distinguished Principal. Senator Hahn (3/29/11).

Elizabeth McCreery, Ottumwa—For celebrating her 100th birthday. Senator Rielly (3/29/11).

Natalie Sturms, Muscatine—For being named to the National Interscholastic Swimming Coaches Academic All-American team. Senator Hahn (3/29/11).

Kelly Van Acker, Muscatine—For being named to the National Interscholastic Swimming Coaches Academic All-American team. Senator Hahn (3/29/11).

Elvin Watters, Waterloo—For celebrating his 90th birthday. Senator Dotzler (3/29/11).

Lauren Weber, Muscatine—For being named to the National Interscholastic Swimming Coaches Academic All-American team. Senator Hahn (3/29/11).

Jackie Kibbie Williams—For receiving the Bill Sackter Award for exceptional dedication and service to persons with disabilities. Senator Kibbie (3/29/11).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: Tuesday, March 29, 2011, 3:30 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, and Wilhelm.

Members Absent: Zaun (excused).

Committee Business: Passed [HF 329](#).

Adjourned: 3:40 p.m.

HUMAN RESOURCES

Convened: Tuesday, March 29, 2011, 10:45 a.m.

Members Present: Ragan, Chair; Wilhelm, Vice Chair; Seymour, Ranking Member; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirnbach, and Whitver.

Members Absent: None.

Committee Business: Passed HFs 389, 390, and 467. Approved governor's appointees.

Adjourned: 11:00 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: Tuesday, March 29, 2011, 2:45 p.m.

Members Present: Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson.

Members Absent: None.

Committee Business: Passed [HF 461](#). Approved governor's appointees.

Adjourned: 3:30 p.m.

SUBCOMMITTEE ASSIGNMENTS

House File 590

ECONOMIC GROWTH/REBUILD IOWA: Sodders, Chair; Bertrand, Dotzler, Greiner, and Hatch

House File 596

COMMERCE: Dandekar, Chair; Behn and Wilhelm

House File 607

JUDICIARY: Horn, Chair; Dvorsky and Whitver

House File 616

JUDICIARY: Horn, Chair; Dvorsky and Whitver

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: [HOUSE FILE 329 \(HSB 85\)](#), a bill for an act relating to equipment dealership agreements by providing for supplier liability.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Dandekar, Rielly, Behn, Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, and Wilhelm. Nays, none. Absent, 1: Zaun.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: [HOUSE FILE 389 \(HSB 89\)](#), a bill for an act relating to investigative costs of the Medicaid fraud control unit.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 390](#) (formerly [HF 60](#)), a bill for an act relating to an Alzheimer's disease response strategy.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: [HOUSE FILE 467](#) ([HSB 90](#)), a bill for an act relating to programs and activities under the purview of the department of public health.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Ragan, Wilhelm, Seymour, Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirmbach, and Whitver. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: [HOUSE FILE 461](#) (formerly [HF 96](#)), a bill for an act relating to the attachment of tags to deer carcasses.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REFERRALS TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following names be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

David Rose – State Transportation Commission
Charese Yanney – State Transportation Commission

JEFF DANIELSON

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

William Gustoff – State Judicial Nominating Commission

ROBERT M. HOGG

AMENDMENTS FILED

S-3181	S.F.	484	Shawn Hamerlinck
S-3182	S.F.	423	Bill Dix
			Mark Chelgren
			Kent Sorenson
			Roby Smith
			Hubert Houser
			James A. Seymour
			Jerry Behn
			Paul McKinley
			Steve Kettering
			Brad Zaun
			Bill Anderson
			Joni Ernst
			Shawn Hamerlinck
			James F. Hahn
			Randy Feenstra
			Tim L. Kapucian
			David Johnson
			Jack Whitver
S-3183	S.F.	514	Mark Chelgren
S-3184	S.F.	517	William A. Dotzler, Jr.
S-3185	S.F.	516	Mark Chelgren
S-3186	S.F.	516	Mark Chelgren
S-3187	S.F.	516	Mark Chelgren
S-3188	S.F.	478	Tom Rielly
			Joe M. Seng